

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOHAMMED SAFDAR GOHIR,

Petitioner,

vs.

CHRISTOPHER HOYE, United States
 Marshal for the District of Nevada, and
 CHARLOTTE COLLINS, Warden, Nevada
 Southern Detention Center,

Respondents.

Case No.: 2:14-cv-00760-GMN-VCF

ORDER

Pending before the Court is Petitioner's Motion to Vacate Order Denying Petitioner's Writ of Habeas Corpus Pursuant to Federal Rule of Civil Procedure 60(b). (ECF No. 25). Respondents Christopher Hoyer and Charlotte Collins filed a Response (ECF No. 26) and Petitioner filed a Reply (ECF No. 27).

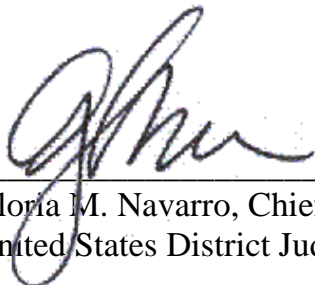
Generally, a notice of appeal divests this Court of jurisdiction to hear a motion brought pursuant to Rule 60(b). *See G.C. & K.B. Investments, Inc. v. Wilson*, 326 F.3d 1096, 1101 n. 2 (9th Cir. 2003). However, the Ninth Circuit has crafted a procedure to allow for a remand to the trial court when facts arise which would allow for relief under Rule 60(b) after an appeal has been taken. *See Williams v. Woodford*, 384 F.3d 567, 586 (9th Cir. 2004). Under this procedure, the party requesting review under Rule 60(b) first requests the district court whether it wishes to entertain or grant the Rule 60(b) motion. *Id.* If the court wishes to entertain the motion, the party seeking review then petitions the Ninth Circuit for a remand so that the district court may entertain the motion. *Id.*

Upon review of Petitioner's arguments, the Court concludes it does not wish to entertain

1 Petitioner's Rule 60(b) motion. Petitioner has raised no grounds upon which the Court would
2 consider modifying its prior Order (ECF No. 18). Accordingly, Petitioner's Motion is
3 **DENIED.**

4 **IT IS HEREBY ORDERED** that Petitioner's Motion to Vacate Order Denying
5 Petitioner's Writ of Habeas Corpus Pursuant to Federal Rule of Civil Procedure 60(b) (ECF No.
6 25) is **DENIED.**

7 **DATED** this 5th day of June, 2015.

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12 Gloria M. Navarro, Chief Judge
13 United States District Judge
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